Chapter 2
Purpose and Need

CEQA requires an EIR to contain a statement of the objectives sought by the project proponents. Similarly, NEPA requires an EIS to briefly describe the underlying purpose and need for the action and alternatives proposed by the lead agency. This chapter describes the state and federal authority under which the proposed BMKV expansion is being developed, the purpose and need for the expansion, the goals and objectives, and the relationship of the BMKV expansion to other projects and plans.

Statutory Authority

The Conservancy is the state lead agency for the proposed BMKV expansion. The Conservancy was created by the state legislature for the purpose of developing and sponsoring environmental projects[1] that protect, preserve, and enhance coastal resources along the 1,100-mile California coastline and around San Francisco Bay. The Conservancy's broad authority enables its participation in a diverse array of projects involving habitat creation, enhancement, and restoration. In 2001, the Conservancy purchased the BMKV property with the intent of including it as an expansion of the Hamilton Wetland Restoration Project.

The Corps is the federal lead agency for the proposed BMKV expansion. The Corps is authorized under Section 204 of the Water Resources Development Act of 1992 (33 USC 2326) to carry out projects for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in connection with dredging for construction, operation, or maintenance of an authorized navigation project. Under this authority, such projects may be undertaken if the environmental, economic, and social benefits of the project justify the cost thereof, and if the project would not result in environmental degradation. The Corps is authorized under the Water Resources Development Act (WRDA) of 1999 to implement the HWRP, in cooperation with the Conservancy as the non-federal sponsor.

[1] The term *project* used in this SEIR/EIS refers explicitly to the term as defined under CEQ's regulations for NEPA and the State CEQA Guidelines: "the entirety of an action which has a potential for resulting in a physical change in the environment." The Corps defines *project* as "an action that has been authorized by Congress," such as the HWRP. The BMKV expansion has not been authorized by Congress.

The Corps prepared a Section 204 Initial Appraisal Report (IAR) in September 2000 for the proposed BMKV expansion of the HWRP. The IAR recommended that a study of the BMKV parcel be incorporated into the ongoing authorized HWRP. A General Reevaluation Report (GRR) has been developed by the Corps to determine whether a potential federal interest exists in the BMKV parcel. If the GRR finds that a potential federal interest exists, then a request for re-authorization of the HWRP project will be recommended.. Based on the findings of the GRR, Congress will determine whether the proposed expansion is in the federal interest. If authorized by Congress, the BMKV expansion will become an addition to the HWRP. The GRR is not part of the SEIR/EIS; copies of it have been provided at the local libraries listed in Chapter 7. The GRR is also available upon request from the Corps (Contact: Eric Jolliffe, U.S. Army Corps of Engineers, San Francisco District, 333 Market Street., 7th Floor, San Francisco, CA 94105; ejolliffe@spd.usace.army.mil; (415) 977-8543).

BCDC has been working closely with the Conservancy and Corps in planning and design for both the HWRP and the BMKV expansion as part of the design teams for these efforts. BCDC's dredging policies call for the beneficial reuse of dredged material and the restoration of diked bayland areas to tidal wetlands. Additionally, BCDC is a responsible state agency for the proposed BMKV expansion. The McAteer–Petris Act, passed by the State of California in 1965, established BCDC as the state agency responsible for regulating development in and around San Francisco Bay and mandated the planning effort that resulted in the development of the San Francisco Bay Plan. BCDC is a responsible agency for the proposed expansion because of its interest in implementing the San Francisco Bay Plan and because it will ultimately be called upon to issue a permit for the expansion and confirm that the expansion is implemented in compliance with the San Francisco Bay Plan.

Purpose and Need

The purpose of the proposed BMKV expansion is to restore important tidal wetland habitat in San Francisco Bay. Approximately 90% of the original tidal wetlands of San Francisco Bay have been destroyed. This destruction is the result of the diking and filling of the tidal wetlands for purposes of agriculture, urban development, and salt production. This loss of tidal wetlands has greatly reduced the amount of habitat available to many species of fish and wildlife. Several local animal and plant species, including the salt marsh harvest mouse and the California clapper rail, have been listed as in danger of extinction, or endangered, as a direct result of the reduction in extent and quality of their wetland habitats. Many other species, including migratory birds and numerous fish species, also have been affected by this loss of habitat. Restoration of tidal salt marsh habitat at the BMKV property represents the implementation of local, regional, and national planning efforts described below under *Relationship of the Proposed BMKV Expansion to Other Projects and Plans*. The need for wetland restoration is demonstrated by the high amount of wetland loss around the Bay, historically; the limits on the ability of existing habitat to support fish and

wildlife, in particular threatened and endangered species; and the recognition of the values of wetlands in local, regional, and national planning efforts.

In addition, the BMKV expansion would fulfill a need for the beneficial reuse of dredged material, which would in turn facilitate other authorized and proposed maritime navigation projects in San Francisco Bay and would further implement the Long-Term Management Strategy for Disposal of Dredged Sediments in San Francisco Bay (LTMS). The disposal of dredged material from San Francisco Bay is currently constrained by physical, environmental, and regulatory limits on the use of existing disposal sites. To the extent that dredged material is used beneficially, the need for unconfined aquatic disposal and other disposal methods, and the impacts associated with those methods, will be reduced. Restoration of tidal wetlands on subsided diked lands using dredged material provides an opportunity to offset historic habitat losses and beneficially reuse suitable dredged material.

Goal and Objectives

In 1996, the National Marine Fisheries Service (NMFS) convened a group of federal and state agency representatives to explore the concept of restoring the HAAF site to tidal wetlands. This group was later expanded into the Hamilton Restoration Group, an advisory body composed of representatives from the City of Novato, state and federal agencies, local landowners, environmental and local interest groups, and other interested parties.

The project goal and objectives of the BMKV expansion presented in this section are derived from the authorized HWRP.

Project Goal

The goal of the proposed BMKV expansion is to create a diverse array of wetland and wildlife habitats at the BMKV and HAAF sites that benefit endangered species as well as other migratory and resident species.

Project Objectives

- To design and engineer a restoration project that stresses simplicity and has little need for active management.
- To demonstrate the beneficial use of dredged material, if feasible.
- To recognize existing opportunities and constraints, including the runway and remediation of contaminated areas of the HWRP, as integral components of design.

- To ensure no net loss of wetland habitat presently provided at the BMKV and HAAF sites.
- To create and maintain wetland habitats that sustain viable wildlife populations, with particular emphasis on supporting Bay Area special-status species.
- To include buffer areas along the upland perimeter of the project area, especially adjacent to residential areas, so wildlife will not be impacted by adjacent land uses.
- To be compatible with adjacent land uses and wildlife habitats.
- To provide for public access that is compatible with protection of resource values and with regional and local public access policies.

Relationship of the Proposed Bel Marin Keys Unit V Expansion to other Projects and Plans

The proposed BMKV expansion implements, integrates, or is related to the following local, regional, and national planning efforts.

Hamilton Wetland Restoration Project

The authorized HWRP site is located immediately south and southeast of the BMKV expansion site. The 950-acre HWRP site comprises 3 areas: Hamilton Army Airfield, currently being decommissioned by the Department of the Army; the Navy ballfield site; and the SLC parcel (also known as the Antenna Field), which is owned by the State of California and administered by the SLC. A large portion of the site was historically tidal wetlands. The HWRP would return the site to seasonal and tidal wetland conditions. An EIS/EIR was completed for the HWRP in 1998, and the HWRP was authorized under WRDA 1999. The HWRP is presently in final engineering design, and initial construction started with the construction of the dredged material pipeline in January 2002.

The EIS/EIR for the HWRP studied the incorporation of the BMKV site into the HWRP at a programmatic level. The feasibility study for the HWRP identified the BMKV site as having a high potential to substantially increase the amount of land available for wetland restoration.

The HWRP would ultimately restore approximately 950 acres of habitat, including the creation of 570 acres of new tidal wetlands. The alternatives described in chapter 3 of this document could add 1,576 acres of habitat to the HWRP, including between 882 and 1,257 acres of new tidal marsh, depending on the alternative chosen.

These alternatives include, in addition to adding the expansion area itself, the following potential changes to the authorized HWRP.

- Eliminating a separating levee between the BMKV and SLC sites
- Replacing the barrier levee between BMKV and HAAF with an access berm for the NSD line
- Extending the Bay Trail southward and northward from the City of Novato levee
- Potentially using diesel off-loading and booster pumps for offloading dredged material
- Potentially using alternative alignment of pipeline directly from the off-loading facility to the BMKV site (Alternatives 1 and 2 only)
- Changing location of and increasing high transitional marsh on the SLC parcel
- Repositioning the tidal breach on SLC to BMKV (Alternatives 2 and 3)
- Adding new NSD pipeline around east side of expanded Pacheco Pond

San Francisco Bay Plan

The San Francisco Bay Plan was prepared to guide the future protection and use of the San Francisco Bay and its shoreline. The federal Coastal Zone Management Act of 1972 encourages states to voluntarily develop coastal management plans (CMPs) to preserve and protect the unique features of each coastal area. BCDC is the state coastal management agency for the San Francisco Bay segment of the coastal zone, and its laws and policies constitute the federally approved state coastal management program for the Bay.

In 1996, BCDC amended the San Francisco Bay Plan as it relates to HAAF. The San Francisco Bay Plan designates wildlife priority use for HAAF through the development of a comprehensive wetland habitat plan and a long-term management program to restore and enhance wetland habitat in diked former wetlands. The plan also indicates that dredged materials should be used whenever feasible and environmentally acceptable to facilitate wetland restoration.

In April, 2002, BCDC amended the findings and policies of the San Francisco Bay Plan regarding marshes and mudflats, fish and wildlife, and dredging. These amendments added identification of “areas diked from the Bay (that) have high-value wildlife habitat and restoration potential” to the Bay Plan maps. The amendments also included a Bay Plan policy of “where and whenever possible, former tidal marshes and tidal flats that have been diked from the Bay should be restored to tidal action in order to replace lost historic wetlands or should be managed to provide important Bay habitat functions, such as resting, foraging,

and breeding habitat for fish, other aquatic organisms and wildlife." Current maps of the San Francisco Bay Plan include a BCDC suggestion of the "possible use of Bel Marin Keys Unit V as a wetland restoration site using dredged material."

Long-Term Management Strategy for Disposal of Dredged Sediments in San Francisco Bay

For many years, dredged material taken from federal and port channels and berthing areas was removed from the bottom of San Francisco Bay, placed in barges, transported to one of the federally designated areas in the bay or ocean, and dumped. As a result of the controversy over the environmental impacts of this practice on the stressed Bay estuary and the limited capacity at the main in-Bay disposal site near Alcatraz Island, new practices were adopted in the late 1980s by the agencies with authority over dredging and disposal operations for large, new work projects.

An interagency cooperative effort, the LTMS was established in 1991 to resolve disposal issues. The goals of the LTMS include disposing dredged material in the most environmentally sound manner and maximizing the use of dredged material as a resource. The LTMS agencies have agreed on a strategy of decreasing in-Bay disposal over time, with a goal of only 20% of Bay-dredged material being disposed in the Bay. The other 80% of the dredged material is proposed to be used as a resource or disposed of at the U.S. Environmental Protection Agency (EPA)-designated deep-ocean disposal site. This approach is intended to reduce the risk of adverse impacts from in-Bay disposal while maximizing environmental benefits through reuse and providing greater certainty regarding disposal options to dredging project sponsors.

Beneficial reuse sites for dredged material will be needed to achieve this goal. The "Record of Decision" for the LTMS EIS was signed in July 1999, committing the Corps to implementing beneficial reuse options. The Corps signed the LTMS Management Plan in January 2002. Both the HAAF and BMKV properties were evaluated as part of a comprehensive review by the LTMS agencies as potential sites for reuse. Both sites were found to be highly feasible for wetland restoration using dredged material.

San Francisco Estuary Project Comprehensive Conservation and Management Plan

The San Francisco Estuary Project was established by Congress through the National Estuary Program. The San Francisco Estuary Project promotes consensus on how wetlands should be protected, regulated, and restored throughout the San Francisco Bay Estuary region. A Comprehensive

Conservation and Management Plan (CCMP) for the Bay and Delta, completed in 1993, provides a comprehensive implementation strategy describing various actions to protect the estuary of San Francisco Bay. The proposed BMKV expansion meets several of the objectives and recommended actions listed in the CCMP, including the reuse of dredged material for wetland creation and restoration, levee restoration, landfill cover, and upland building material, where environmentally acceptable.

Ecosystem Restoration Program Plan

A framework agreement was signed by various state and federal agencies under the interagency CALFED Bay–Delta Program (CALFED) to address various problems in the San Francisco Bay/Sacramento–San Joaquin River Delta (Bay–Delta) region. The agreement provided a combination of state and federal funding for 3 specific purposes: the development of water quality standards (Category I), water projects (Category II), and habitat restoration (Category III). Category III funding is earmarked for projects that benefit targeted species, particularly endangered fish and marsh species.

CALFED produced a draft Ecosystem Restoration Program Plan that describes the important ecological processes, habitats, species, and stressors of the San Francisco Bay ecosystem. The plan includes "ecological zone visions" for each watershed area that address the potential for restoration in each zone. The authorized HWRP and the proposed BMKV expansion were determined to be consistent with the visions and policies presented in the draft Ecosystem Restoration Program Plan, and received CALFED Category III funding.

San Francisco Estuary Baylands Ecosystem Goals Project

The San Francisco Bay Area Wetlands Ecosystem Goals Project (Goals Project) was a 5-year volunteer collaborative effort completed in 1998. Sponsored by a group of agencies that included EPA, the California Department of Fish and Game (DFG), and the Regional Water Quality Control Board (RWQCB), it involved more than 100 scientists from federal, state, and local agencies, as well as private consulting firms and universities. The results of the Goals Project address a 9-county area that encompasses the entire estuary downstream of the Delta.

The Goals Project is intended to provide guidance to public and private stakeholders interested in restoring and enhancing the wetlands and related habitats of the San Francisco Bay estuary system. It is an informational document that recommends the types, areal extent, and distribution of habitats needed to sustain diverse and healthy ecosystems in the San Francisco Bay estuary system. Recommendations are presented by region, subregion, and

segment. Regionwide goals include restoration of large patches of tidal marsh connected by corridors to enable the movement of small mammals and marsh-dependent birds; restoration of large complexes of salt ponds for the management of shorebirds; and expansion of large areas of managed marsh. The BMKV and SLC sites are identified in this plan as key areas for tidal marsh restoration.

The Goals Project describes key bayland habitat acreage goals for each subregion. The majority of the acreage in the North Bay Subregion was historically tidal marsh. The goals for the North Bay Subregion call for increasing the area of tidal marsh from the existing 16,000 acres to approximately 38,000 acres, and creating about 17,000 acres of diked wetlands managed to optimize their seasonal wetland functions (Goals Project 1999).One of the specific recommendations is to "restore a wide, continuous band of tidal marsh along the bayfront between Black Point and Gallinas Creek." The unique restoration benefits for this area include the following:

- Restoring tidal marshes on the bayshore and along lower reaches of streams would expand suitable habitat for many tidal marsh species, particularly California clapper rail.

- Restoring and improving tidal marsh along Novato Creek would . . .expand habitat for sensitive tidal marsh species (Goals Project 1999).

Marin Countywide Plan

The Marin Countywide Plan is a long-range comprehensive plan that governs growth and development in the unincorporated areas of Marin County. The proposed BMKV expansion site falls within this jurisdiction.

The BMKV site is located within the City-Centered Corridor planning area of Marin County and is designated for agricultural and conservation land uses. The BMKV site is zoned within the Bayfront Conservation Zone, which is intended to preserve, protect, and enhance existing species and habitat diversity in the county.

City of Novato General Plan

The City of Novato General Plan is a comprehensive long-range planning document that identifies the city's land use, transportation, environmental, economic, fiscal, and social goals and policies as they relate to the conservation and development of land in Novato. The HAAF and SLC parcels are located within the jurisdiction of the City of Novato and are designated in the General Plan for open space. The allowable uses within this land use category include uses devoted to, among other purposes, the preservation of natural resources and outdoor education. In addition, the General Plan states that the City of Novato

should "encourage wetlands restoration where appropriate." The plan also states that "restoration of historic wetlands such as those at the Hamilton Field runway is contributing towards restoring those lands that experienced significant loss (over 80 percent) in the bay area" (City of Novato 2000).

Bay Trail Plan

The Bay Trail Plan's main goal is to ensure the provision of public access to the Bay and its surrounding lands. The Bay Trail is a planned recreation corridor that will provide some 400 miles (640 kilometers) of biking and hiking trails. A proposed segment of the bay trail follows Perimeter Road, located on the levee that separates the BMKV site from the HAAF site, and connects with Bel Marin Keys Boulevard. The Bay Trail Plan is legally mandated by Senate Bill 100, which was adopted by the State Legislature in 1987. The Bay Trail Plan was adopted by the Association of Bay Area Governments Executive Board in 1989 and has been incorporated into the City of Novato and County of Marin General Plans. In general, implementation of the Bay Trail Plan relies on implementation by local government and other agencies.

Oakland Harbor Navigation Improvement (50-Foot) Project

The Port of Oakland has adopted a plan to deepen the federal channels of the Oakland Harbor and port-maintained berths to a depth of 50 feet below mean lower low water to accommodate the newest generation of deep-draft container ships. The project was authorized (Water Resources Development Act 1999) and would involve the dredging and disposal of 12 to 14.5 million cubic yards of bottom sediments. The Final EIR/EIS for the Oakland Harbor Navigation Improvement (50-Foot) Project identifies the preferred alternative, which involves dredging to 50 feet, with sediment reuse/disposal at various sites, including the HAAF restoration site.

Defense Base Closure and Realignment Act of 1988

The Defense Base Closure and Realignment Act of 1988 (BRAC I, Public Law 100-526) required the closure and disposal of various military properties and facilities still in military ownership, including HAAF and the Navy Ballfields parcel. During the BRAC process, disposal of the property could be accomplished through a Public Benefit Discount Conveyance, through which state or local entities could obtain property at less than fair market value when supported by a federal agency (in the case of HAAF/Navy Ballfields, the U.S. Fish and Wildlife Service [USFWS]) for uses that would benefit the public.

The U.S. Army intends to transfer the HAAF BRAC parcel to the Conservancy. The U.S. Navy intends to transfer the Navy Ballfields parcel to the Conservancy. A condition of this transfer is remediation of contamination at the site. Consequently, HAAF and the Navy Ballfields are undergoing investigation and remediation of contaminated areas. All sites known to be contaminated will be remediated by the U.S. Army and U.S. Navy to levels that meet federal, state, and local regulations that are appropriate to the proposed wetland reuse. The HAAF BRAC parcel and the Navy Ballfields BRAC parcel comprise a portion of the authorized HWRP. The BMKV expansion would not take place on the HAAF BRAC parcel or the Navy Ballfields parcel, but the BMKV property is directly adjacent to these areas . The BRAC process for HAAF/Navy Ballfields is currently at the draft Record of Decision/Remedial Action Plan phase. The suite of actions considered as part of the BMKV expansion includes no changes in the wetland design for the HAAF or Navy Ballfields parcels and no determinations regarding remedial actions at these areas. The BMKV expansion presumes that the BRAC process will result in remediation of the HAAF parcel and the Navy Ballfields parcel to a condition suitable for the proposed wetland reuse.

If the remedial determinations ultimately made through BRAC required changes in the wetland designs proposed for the HAAF parcel, the BMKV and HWRP lead agencies would evaluate the potential effects of the changes and determine whether additional NEPA/CEQA compliance would be necessary. Currently, the lead agencies consider it speculative to assume that the BRAC process will not result in remedial options that leave the HAAF or Navy Ballfields parcels suitable for the proposed wetland use.

Formerly Used Defense Site Remediation at SLC Parcel

The SLC parcel was transferred from the Department of Defense (DoD) in 1974. Environmental cleanup of the site falls under the Formerly Used Defense Site (FUDS) program. The FUDS program is an element of the Defense Environmental Restoration Program (DERP) (10 USC 2701 et seq.), and requires remediation of contaminated sites consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The objective of the FUDS program is to reduce, in a timely and cost-effective manner, the risk to human health, safety, and the environment resulting from past DoD activities. The SLC parcel is currently in the feasibility study/risk assessment phase. The FUDS program is administered by the Sacramento District of the Corps under contract to the U.S. Army, and is a separate and distinct program from the program responsible for the wetland habitat restoration at HAAF. After a Record of Decision is agreed to by DoD and federal and state regulators, any remaining cleanup will be conducted. The suite of actions considered as part of the BMKV expansion makes no determinations regarding remedial actions at the SLC parcel. The BMKV expansion presumes that the

FUDS process will result in remediation of the SLC parcel to a condition suitable for the proposed wetland reuse. Resolution of contaminant issues at the SLC site would need to be completed prior to restoration activity in the areas of identified contamination.

If the remedial determinations ultimately made through FUDS required changes in the wetland designs proposed for the SLC parcel, the BMKV and HWRP lead agencies would evaluate the potential effects of the changes and determine whether additional NEPA/CEQA compliance would be necessary. Currently, the lead agencies consider it speculative to assume that the FUDS process will not result in remedial options that leave the SLC parcel suitable for the proposed wetland use.